

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

MONEC HOLDING AG,

Plaintiff/Counterclaim Defendant,

v.

APPLE INC.,

Defendant/Counterclaim Plaintiff

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Civil Action No. 1:09-CV-312
(LMB/JFA)

**NOTICE AND MOTION OF DEFENDANT APPLE INC. FOR
JUDGMENT ON THE PLEADINGS OR SUMMARY JUDGMENT,
OR IN THE ALTERNATIVE, TO TRANSFER UNDER 28 U.S.C. § 1404**

Please take notice that, on Friday, July 10, 2009, 10:00 a.m., or as soon thereafter as counsel may be heard, Defendant Apple Inc. will move this Court for judgment on the pleadings or summary judgment, or in the alternative, to transfer this case pursuant to 28 U.S.C. § 1404 to the U.S. District Court for the Northern District of California, for the reasons set forth in the accompanying Memorandum and the exhibits attached thereto.

Dated: June 19, 2009

By: /s/

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Attorneys for Defendant Apple Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of June, 2009, I will electronically file the foregoing NOTICE AND MOTION OF DEFENDANT APPLE INC. FOR JUDGMENT ON THE PLEADINGS OR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, TO CASE UNDER 28 U.S.C. § 1404 with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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Counsel for Monec Holding AG

I also certify that I will send these documents via email and UPS Overnight Mail to the following:

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